



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

1226508 - R8 SDMS

Ref 8EPR-SR

October 5, 2009

Debbie Parker  
Remediation Group, Inc  
A Subsidiary of W.R. Grace & Co.  
6401 Poplar Ave., Suite 301  
Memphis, Tennessee 38119

Subject: FOIA Request 08-RIN-00336-09

Dear Ms. Parker:

In an e-mail message, on September 28, 2009, you requested a copy of a letter written by Jim Christiansen re Libby, MT dated May 4, 2005.

In response to the FOIA request, EPA provided document No. 2031063 as an e-mail attachment on September 29, 2009.

There is no charge for the activities performed under this FOIA request since the costs involved do not exceed \$14.00

If you have any questions concerning this matter, please do not hesitate to contact Rebecca Thomas @ 303/312-6552.

Sincerely,

Bill Murray, Director  
Superfund Remedial Response Program  
Office of Ecosystems Protection  
And Remediation

Jack Whyte/R8/USEPA/US  
10/01/2009 08:02 AM

To Bill Murray/R8/USEPA/US@EPA, Russell  
Leclerc/R8/USEPA/US@EPA  
cc Judy Hansen/R8/USEPA/US@EPA, Rebecca  
Thomas/EPR/R8/USEPA/US@EPA  
bcc

Subject Fw: FOIA #08-RIN-00336-09 - Response 9-29-09

Will proceed with preparation of close-out letter. Jack 10-1-2009

----- Forwarded by Jack Whyte/R8/USEPA/US on 10/01/2009 08:01 AM -----



"Parker, Debbie"  
<Debbie.Parker@grace.com>

To Jack Whyte/R8/USEPA/US@EPA

cc

09/30/2009 07:43 AM

Subject RE: FOIA #08-RIN-00336-09 - Response 9-29-09

Many Thanks!

Debbie Parker  
Sr. Financial Analyst  
Remedium Group, Inc.  
901-820-2030 (o)  
901-849-8300 (c)

-----Original Message-----

From: Whyte.Jack@epamail.epa.gov [mailto:Whyte.Jack@epamail.epa.gov]  
Sent: Tuesday, September 29, 2009 1:49 PM  
To: Parker, Debbie  
Subject: FOIA #08-RIN-00336-09 - Response 9-29-09

Attached is a pdf File of the document requested (Document No. 2031063), Please advise us, citing the FOIA reference above, if you do not feel that this document is responsive to your request.

(See attached file:

2031063.pdf)

Jack Whyte 9-29-09 12:50 MDT



"Parker, Debbie"  
<Debbie.Parker@grace.com>

09/30/2009 07:43 AM

To: Jack Whyte/R8/USEPA/US@EPA

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bcc

Subject: RE: FOIA #08-RIN-00336-09 - Response 9-29-09

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Jack Whyte 9-29-09 12:50 MDT

Jack Whyte/R8/USEPA/US  
09/29/2009 12:49 PM

To Debbie.Parker@grace.com  
cc  
bcc Bill Murray/R8/USEPA/US@EPA; Judy  
Hansen/R8/USEPA/US@EPA  
Subject FOIA #08-RIN-00336-09 - Response 9-29-09

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Jack Whyte 9-29-09 12:50 MDT

FOIA  
9/29/09



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
999 18<sup>TH</sup> STREET- SUITE 300  
DENVER, CO 80202-2466  
Phone 800-227-8917  
<http://www.epa.gov/region08>

SDMS Document ID



2031063

May 4, 2005

Ref: 8EPR-SR

Mayor Tony Berget  
952 East Spmce Street  
Libby, MT 59923

RE: Former W.R. Grace Export Plant Property

Dear Mayor Berget:

COPY  
9/29/05  
JL

Members of the City Council and others have inquired about the status of the former W.R. Grace Export Plant property now owned by the City of Libby. This parcel, as it relates to EPA cleanup, is known as Operable Unit 2 (OU2) of the Libby Asbestos Site. The letter is to provide a written status as it relates to future development of OU2. Please share it with the Council, City Attorney, and City Manager.

W.R. Grace performed cleanup activities at OU2 under Unilateral Order issued by EPA. EPA assumed the lead role of the cleanup later on and completed the cleanup. The cleanup was conducted under authority granted in Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) which empowers EPA to conduct *Removal Actions*. Removal Actions are often used at Superfund Sites to address time sensitive risks to public health or the environment. In some cases, Removal Actions are the only cleanup that is required; in other cases, they are followed up by Remedial Actions to address risks that are not as time sensitive.

EPA considers the Removal Action at OU2 to be complete. The property is safe for all uses and there are no specific restrictions on use. However, there remain some small environmental concerns at OU2, as well as some related future administrative requirements, which must be considered during any development or use.

EPA believes that all contamination at the export plant was removed. However, because it is difficult to sample and inspect below the surface, there is a small chance that some contamination remains at depth. This is true not only at the former Export Plant, but at many properties across Libby. It is simply not feasible to locate and remove all subsurface contamination that may exist.

To address this concern, EPA contemplates establishing Institutional Controls (ICs) in Libby in the future. ICs may take the form of local ordinances, specific agreements with property

owners, or other variations, but collectively their intent is to establish requirements and systems for dealing with residual contamination. The Operations and Maintenance (O & M) Workgroup, of which Dan Thede is a member, is beginning to contemplate and devise potential ICs for Libby.

EPA contemplates establishing an IC for the Export Plant in the future. This IC will establish formal requirements for addressing any contamination encountered in the subsurface at the Export Plant. In essence, there are numerous safe ways to handle and deal with subsurface contamination, and we have discussed many of these approaches as we developed plans for the Johnston Acres Project. The requirements need not be too restrictive – the intent is to ensure (1) workers who encounter the material report it, (2) contaminated material is handled properly so that it doesn't re-contaminate any clean areas, (3) workers dealing with the material are protected, and (4) it is disposed of properly.

Even though we believe that the necessary physical cleanup actions are complete, before EPA can state that *all* actions at the Export Plant are complete, we must first publish a Proposed Plan for cleanup and a Record of Decision (ROD). The ROD will formally state which actions, if any, are necessary to complete cleanup at the Export Plant. At this time, we believe that this will only include formal ICs. However, the Proposed Plan must undergo formal public comment before becoming a final ROD. We expect to publish a Record of Decision for OU2 sometime in 2006. Once a ROD and any resulting Remedial Actions are complete (e.g. ICs), EPA expects to pursue deletion of OU2 from the National Priorities List – in essence, it will no longer be part of the Libby Asbestos Superfund Site. This is the first parcel at Libby for which we expect to pursue a "partial deletion."

Until ICs are formalized, we only ask that the City and its contractors exercise *due care* when work or excavation are performed at the Export Plant. If known or suspected contamination is encountered, stop work and report it immediately to EPA. As with Johnston Acres, we will work with you to develop reasonable strategy for dealing with any contamination. We will also provide guidance and assistance during any work.

EPA encourages and supports development of the Export Plant in accordance with local desires. If you have any additional questions, please feel free to contact the EPA Site Attorney, Matthew Cohn, at (303) 312-6853.

Sincerely,



Jim Christiansen  
Remedial Project Manager



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Sincerely,



Jim Christiansen  
Remedial Project Manager



**Region 8**  
**FREEDOM OF INFORMATION ACT REQUEST**  
**08-RIN-00336-09**

**REQUESTER:** Debbie Parker

**REQUEST DATE:** September  
28, 2009

**COMPANY:** Remediation Group, Inc.

**RECEIVED DATE:** September  
28, 2009

**FEE CATEGORY:** Commercial

**SUBJECT:** Letter from Jim Christiansen re Libby, MT

**DUE DATE:** October 27, 2009

**FEE WAIVER REQUESTED:** No, If yes, please contact Vicki Ferguson  
immediately at (303) 312-6856.

**ASSIGNMENTS:**  
R8-EPR

**SPECIAL INSTRUCTIONS:**

**IF COSTS ARE EXPECTED TO EXCEED \$25,  
CONTACT REQUESTER FOR PAYMENT  
COMMITMENT BEFORE PROCESSING REQUEST.**

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# **FOIA CHARGES - 8-RIN # 08-RIN-00336-09**

Fill Out Part 2 - EVEN if requester was NOT billed.

1. Use this table to figure FOIA billable charges to requester

**Costs:**

Clerical Staff - \$4.00/15 minutes  
Professional Staff - \$7.00/15 minutes  
Manager's Time - \$10.25/15 minutes

**Pis Note:** \*\*\*Must spend HALF of the 1/4 hour in order to bill \*\*\*\*

Photocopies \$ .15/page (double-sided \$.30)

Authentication Actual Time to Complete + \$1 EACH for Seal & Ribbon

**NEW: No Fee Charged for <\$14.00**

**Bills sent between \$14.01-25.00, NO payment assurance required**

**Assurance of payment from requester for amounts >\$25.00**

**\*\*\*\*\* CHARGES OVER \$250 MUST BE PREPAID \*\*\*\*\***

Time	Amount \$	Task
		Search & Review
N/A		# of copies (color copies extra, computer copies too)
		\$2.25 Cost of Disk/Mailer
		Computer System Time
		Authentication Time + \$1 Each for Seal & Ribbon
<b>TOTAL</b>	\$ <u>- 0 -</u>	

2. Use this table to figure administrative costs to government.

When billable costs **DO NOT** meet billing threshold, only fill in Admin. Cost Section

Administrative cost figured in 1 minute increments x employee salary - **FOR ALL EMPLOYEES INVOLVED IN RESPONDING TO FOIA. NOT BILLED TO REQUESTER.**

Time	Amount \$	Task
<u>1 MIN.</u>		Initially read FOIA
		Search & Review
		Copying time/costs (\$.15/page)
		Authentication
		Phone call(s) to REQUESTER
		Phone calls to FOIA Office, colleagues, attorneys
<u>5 MIN</u>		Typing & proofing letter/envelope
		Proof & Sign FOIA + <b>ALL</b> Concurrences
		"Other" time spent on FOIA
		Computer Time/Programming Costs
		Maps/Disks/CD ROM, Photos, Etc. Costs
<b>TOTAL</b>	\$ <u>4:00</u>	

Please complete & return to your FOIA COORDINATOR with a copy of FOIA closeout letter.

Preparer's name in **LEGIBLE WRITING** or Print:

John R. [Signature] **6 APR - 5R**

**Region 8**  
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**F R E E D O M  
O F I N F O R M A T I O N  
R E Q U E S T**

- o UPON RECEIPT OF FOIA, **IMMEDIATELY EXAMINE** TO DETERMINE IF YOU SHOULD BE ANSWERING THIS; IF NOT, **CONTACT YOUR ARA'S FOIA COORDINATOR IMMEDIATELY!**
- o IF THIS FOIA WILL COST MORE THAN \$25 TO PRODUCE (SEARCH, REVIEW & COPYING FEES) CONTACT THE REQUESTER TO GET "FEE APPROVAL" **BEFORE PROCEEDING.** We bill for \$14.01-\$25 with no permission required.

REMEMBER, **ALL OFFICES PARTICIPATE** IN THE TOTALING OF COSTS AND NEED TO BE COORDINATED FROM THE **BEGINNING.**

- o IF REQUEST IS **DENIED**, YOU **MUST COORDINATE** WITH A REGIONAL COUNCIL ATTORNEY.
- o TO BILL REQUESTER, PREPARE THE ELECTRONIC BILLING FORM (ON 8-NET) UPON COMPLETION OF THE OUTGOING LETTER. SEE PAGE 2 FOR INSTRUCTIONS. REMEMBER TO TOTAL **THE COSTS FOR ALL OFFICES.**
- o **ONE OUTGOING LETTER** TO THE REQUESTER, WHICH IS TO BE COORDINATED WITH ALL OFFICES INVOLVED.

**IF YOU ARE THE LEAD OFFICE:**

- o It is your responsibility to coordinate the outgoing response letter. You need to take the responses provided to you by the other offices and incorporate their **responses** and **costs** into your outgoing letter.

**IF YOU ARE NOT THE LEAD OFFICE:**

- o You need to IMMEDIATELY make contact with the LEAD to discuss the FOIA, costs, etc. and give your response and the charges incurred for search, review and copying costs to the LEAD Office **AT LEAST 2 days** prior to the due date so that this information can be incorporated into the outgoing letter.

**OVER**

**IMMEDIATELY UPON RECEIPT OF THIS FOIA**, PLEASE CONTACT THE APPROPRIATE INDIVIDUAL(S) BELOW TO FIND OUT *WHO* HAS BEEN ASSIGNED THIS FOIA WITHIN THEIR RESPECTIVE ARA OFFICES. ALSO, PLEASE MAKE CERTAIN YOU ARE THE PROPER PERSON TO RECEIVE THIS FOIA. IF NOT, PLEASE NOTIFY THE APPROPRIATE ARA FOIA COORDINATOR BELOW **IMMEDIATELY!!!**

EC/EJ:	BARBARA HANNA: 312-6050
EPR	JUDY HANSEN: 312-6417
OPRA	MAUREEN BRENNAN: 312-6294
TMS	GINGER MOTTU: 312-7059
MONTANA OFFICE :	DEBBIE CLEVINGER (406) 457-5004

\*\*\*\*\*

***DON'T FORGET: SAMPLE LETTERS, APPEAL LANGUAGE, REGION 8 FOIA PROCESS INFORMATION AND AUTOMATIC BILLING ARE ON THE 8-NET (SEE BELOW)***

**FOIA BILL**

**ON EPA 8-NET: QUICK LINKS: FOIA CENTRAL"**

Select: *"Submit a FOIA Bill"*

This goes directly to Alan Engels, the FOIA Billing person, who will acknowledge receipt within 24 hours: if NOT, call Alan @ Ext. 6306

**FOIA SAMPLE LETTERS**

These are also under the *EPA 8-NET, AS ABOVE*. Please. call for clarification.

**REMEMBER: WE ONLY HAVE 20 BUSINESS DAYS TO ANSWER FOIAs** Doing FOIAs is not a luxury -- it's the law!

**I WILL GIVE *MINI-FOIA TRAINING SESSIONS* AT ANY TIME FOR YOUR STAFF. JUST CALL VICKI TO SCHEDULE**

Administrative Costs must be calculated for EACH FOIA, based on your actual hourly salary - for actual time spent, per MINUTE for ALL those that worked on the FOIA. (This is turned into Congress each year.)

***FOR ANY QUESTIONS CONCERNING FOIAS,  
CONTACT VICKI FERGUSON @ EXT. 312-6856***

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TOTAL	\$	

Please complete & return to your **FOIA COORDINATOR** with a copy of FOIA closeout letter.

Preparer's name in LEGIBLE WRITING or Print:

\_\_\_\_\_

**EPA FOIA POLICY: To make the fullest possible disclosure of information without Unjustifiable expense or unnecessary delay to any requestor.**

**FOIA AUTHORITY: 5 U.S.C. 552-EPA REGULATIONS TITLE 40 CFR, CHAPTER 1, PART 2  
SEE EPA FOIA MANUAL 1550 FOR ADDITIONAL GUIDANCE**

**CHARGES EXCEEDING \$250.00 ARE TO BE PREPAID BY REQUESTER!!**

FOIA EXEMPTIONS	FOIA FEE SCHEDULE	FOIA FEES (continued)
FOIA establishes nine exemptions which provide the only basis for withholding information. The exemptions may apply singly or in combination to a given request.	<b>Manual and Computer Search for Records:</b> EPA Employees: for each 1/4 hour or portion thereof: Clerical: \$4.00/15 min. Professional: \$7.00/15 min. Manager's: \$10.25/15 min.	<b>FEES WILL BE ASSESSED ACCORDING TO THE 4 CATEGORIES OF REQUESTS:</b>
EXEMPTION 1 Matters of National Defense or Foreign Policy	<b>Contractor Employees:</b> Actual charges up to but not exceeding the rate charged had EPA employees conducted the search.	<b>COMMERCIAL USE REQUEST:</b> Requestor charged for search, review, and duplication costs.
EXEMPTION 2 Internal Agency Rules	<b>PLUS:</b> Contractor operators (actual charges up to but not exceeding the rate charged had EPA employees conducted the search).	<b>EDUCATIONAL AND NON-COMMERCIAL SCIENTIFIC INSTITUTIONS</b>
EXEMPTION 3 Information Exempted by Other Statutes	<b>PLUS:</b> Actual computer resource usage charges.	Requestor charged for duplication costs excluding the first 100 pages (NO fee will be charged for search or review time).
EXEMPTION 4 Trade Secrets, Commercial, or Financial Information (Confidential Business Information)	<b>Search/Review of Records (EPA Employees):</b>  NEW: Charged for each 1/4 hour; must spend HALF of the 1/4 Hour In Order to Charge:	<b>REPRESENTATIVES OF THE NEWS MEDIA</b> Requestor charged for duplication costs excluding the first 100 pages (NO fee will be charged for search or review time).
EXEMPTION 5 Privileged Inter- or Intra-Agency Memoranda	<b>Reproduction of Documents:</b> (Paper copy of paper original): \$0.15 per page Computer Printouts: \$0.15 per page	<b>ALL "OTHER" REQUESTS:</b> Requestor charged for search and duplication time excluding the FIRST 2 hours of search time and the FIRST 100 pages of duplication.
EXEMPTION 6 Personal Privacy	<b>Certification or Authentication of Records</b> (by Office of Regional Counsel): Actual Cost!	<i>No fee will be charged if the total fee under any category is less than \$14.00.</i>
EXEMPTION 7 Records or Information Compiled For Law Enforcement Purposes		
EXEMPTION 8 Records of Financial Institutions		
EXEMPTION 9 Geological or Geophysical Information and Data Concerning Wells		





"Parker, Debbie"  
<Debbie.Parker@grace.com>

09/28/2009 12:23 PM

To Group R8Foia/OCP/R8/USEPA/US@EPA

cc "Marriam, Robert R." <Robert.R.Marriam@grace.com>,  
"Gardner, Lynne G." <Lynne.G.Gardner@grace.com>

bcc

Subject Request for Documentation

Vicki,

Below is all the information I have on the document that I need:

Date: May 4, 2005  
From: Jim Christiansen, EPA Region 8  
Topic: Libby, MT - W R Grace former Export Plant - Site Restoration

I appreciate your assistance in locating this letter. My contact information is:

Debbie Parker  
Remedium Group, Inc.  
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6401 Poplar Ave., Suite 301  
Memphis, TN 38119

Office: 901-820-2030  
FAX: 901-820-2061

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09/28/2009 12:23 PM

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